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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/672,771	09/26/2003	Shaobo Wang	2003P04918US01	9712

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Siemens Corporation
Intellectual Property Department
170 Wood Avenue South
Iselin, NJ 08830

EXAMINER

WONG, BLANCHE

ART UNIT	PAPER NUMBER
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2419

MAIL DATE	DELIVERY MODE
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07/06/2009

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

Office Action Summary	Application No. 10/672,771	Applicant(s) WANG ET AL.	
	Examiner Blanche Wong	Art Unit 2419	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 22 April 2009.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,3,5-7 and 10-22 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 1,3 and 5-7 is/are allowed.
- 6) ☒ Claim(s) 10-22 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) |
| 2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948) | Paper No(s)/Mail Date. _____ |
| 3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO/SB/08) | 5) <input type="checkbox"/> Notice of Informal Patent Application |
| Paper No(s)/Mail Date _____ | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Objections

1. Claims 1 and 16 are objected to because of the following informalities:

With regard to claim 1, Examiner suggests replacing “said subscriber processing system” in line 13 and line 17 with “said subscriber data processing system” in consistent with “a subscriber data processing system” in lines 3-4.

With regard to claim 1, Examiner suggests replacing “said message from said proxy signaling server” in line 19 with “said message from said proxy signaling server to said ATM edge device” for clarity and in consistent with "a message from said proxy signaling server to an ATM edge device" in line 15.

With regard to claim 16, Examiner suggest replacing "sever" in line 12 with "server" to correct typo.

Appropriate correction is required.

Claim Rejections - 35 USC § 112

2. The following is a quotation of the second paragraph of 35 U.S.C. 112:

The specification shall conclude with one or more claims particularly pointing out and distinctly claiming the subject matter which the applicant regards as his invention.

3. **Claims 10-16 and 20-22** are rejected under 35 U.S.C. 112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention.

With regard to claim 10, the elements in the claim are disjointed and therefore, the claim is indefinite. Claim language sets forth “a subscriber data-processing system

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... to said [broadband] communication system" in line 3 and "a proxy signaling server in communication with said subscriber data processing system" in lines 9-10. Claim language also sets forth "a digital subscriber line (DSL) modem ... over a local loop telephone line to a DSL multiplexer (DSLAM); an asynchronous transfer mode (ATM) edge device in communication with said DSLAM ... over an ATM network" in lines 5-8 and "a content-provider processing system in communication with said ATM network ..." in lines 11-12. It is unclear what is the relationship, if any, between these two groups of elements.

With regard to claim 16, the elements in the claim are disjointed and therefore, the claim is indefinite. Claim language sets forth "a subscriber data processing system ... to transmit and receive data to and from a remote content-provider data processing system" in lines 2-3, and asynchronous transfer mode (ATM) edge device" in line 7 and "a proxy signaling server in communication with said subscriber data processing system and said ATM edge device" in lines 9-10. Claim language also sets forth "means in said subscriber data processing system ... and means in said proxy signaling server" in lines 11-20. It is unclear whether the data to and from a remote content-provider data processing system, is the same as the information transmitting and receiving over an ATM, and what is the relationship, if any, between the data and/or information and the means in said subscriber data processing system and/or said proxy signaling server.

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4. **Claims 10-16 and 20-22** are rejected under 35 U.S.C. 112, second paragraph, as being incomplete for omitting essential structural cooperative relationships of elements, such omission amounting to a gap between the necessary structural connections. See MPEP § 2172.01. The omitted structural cooperative relationships are: between the group of subscriber data-processing system and proxy signaling server, and the group of DSL modem, DSLAM and ATM edge device (claim 10); and between subscriber data processing and content-provider data processing system (claim 16). Claims 11-15 and 20-22 are rejected because they depend from rejected claim 10.

Allowable Subject Matter

5. **Claims 1,3,5-7,17-19** are allowed.
6. Claims 10 and 16 would be allowable if rewritten or amended to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action.
7. Claim 11-15 and 20-22 would be allowable if rewritten to overcome the rejection(s) under 35 U.S.C. 112, 2nd paragraph, set forth in this Office action and to include all of the limitations of the base claim and any intervening claims.
8. The following is a statement of reasons for the indication of allowable subject matter:

With regard to claim 1, the prior art of record fails to anticipate or make obvious a method of providing bandwidth on demand, comprising: “establishing a default

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connection between a subscriber data processing system connected to a CPE and a content-provider data processing system, said default connection comprising an asynchronous transfer mode (ATM) permanent virtual circuit (PVC); initiating a bandwidth-on-demand session via a subscriber, said bandwidth-on-demand session creates one or more switched virtual circuits (SVCs) between said subscriber data processing system and said content-provider data processing system to supplement the bandwidth of said default connection; and ... wherein said step of initiating a bandwidth-on-demand session comprises sending a message from said subscriber data processing system to a proxy signaling server ... and, in response to said message, sending a message from said proxy signaling server to an ATM edge device to an ATM edge device ..., wherein said message from said subscriber data processing system to said proxy signaling server does not comprise User Network Interface (UNI) signals and wherein said message from said proxy signaling server [to said ATM edge device] comprises UNI signals."

9. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Blanche Wong whose telephone number is 571-272-3177. The examiner can normally be reached on Monday through Friday, 830am to 530pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Ayaz Sheikh can be reached on 571-272-3795. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free). If you would like assistance from a USPTO Customer Service Representative or access to the automated information system, call 800-786-9199 (IN USA OR CANADA) or 571-272-1000.

/Blanche Wong/

Examiner, Art Unit 2419

June 30, 2009

/Ayaz R. Sheikh/

Supervisory Patent Examiner, Art Unit 2419